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10/611,471	06/30/2003	Yan Feng	P3510	1591

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EXAMINER
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WOO, RICHARD SUKYOON

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/611,471

Applicant(s)

FENG ET AL.

Examiner

Richard Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

- 1) 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 2) Claims 16-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 16 is directed to software *per se* and is non-statutory unless the specifications of the applicant takes a special definition different from the norm or industry standard and requires structure or hardware as part of the software application suite.

### ***Claim Rejections - 35 USC § 112***

- 3) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 4) Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, line 13, the recitation of "and/or" renders the claim indefinite because it is not clear whether the application calculates the correct pricing results ... based on sorting or conflict resolution of the rules.

***Claim Rejections - 35 USC § 102***

5) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6) Claims 1-2, 4-8, 10, 12, 16-20 and 22, as far as Claims 1-2, 4-8, 10, and 12 are definite, are rejected under 35 U.S.C. 102(b) as being anticipated by KR 2002028526 (hereinafter KR).

As for Claim 1, KR discloses a system comprising;

a server node (100) connected to a data network for serving pricing information;

a pricing application running on the server node for calculating the pricing information served; and

a data repository (140) accessible to the server node for storing at least one pricing data model and rules for manipulating the model;

characterized in that the server node receives requests for pricing, accesses rules created for pricing factors used in at least one pricing sequence to price an item or items of the request and uses the pricing application to calculate the correct pricing results including sub totals and total amounts for the request based on sorting rules accessed for each factor (see Fig. and the entirety of the English abstract).

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As for Claim 2: KR further discloses the system, wherein the data network is the Internet network (see Id.).

As for Claim 4: KR further discloses the system, wherein pricing requests are received from a business-to-business server connected to the data network the requests generated in an automated fashion and routed to and queued in the pricing server for processing (see Supra Figure).

As for Claim 5: KR further discloses the system, wherein the pricing requests are received from clients (30) accessing an enterprise hosted Web server connected to the data network, the requests routed to and queued in the pricing server for processing (see Id.).

As for Claim 6: KR further discloses the system, wherein the requests are received from a client operating from a wireless network-capable device through a wireless interface having connection to the data network, the requests routed to and queued in the pricing server for processing (see the abstract).

As for Claim 7: KR further discloses the system, wherein the pricing requests are received from a third-party price configuration application (70, 80) running on a node connected to the data network (see Figure).

As for Claim 8: KR further discloses the system, wherein the served pricing information is item pricing generated in the form of a pricing list.

As for Claim 10: KR further discloses the system, wherein there are multiple pricing models applicable to different pricing methods (see abstract).

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As for Claim 12: KR further discloses the system, wherein there is one pricing model extensible to reflect multiple pricing methods (see Id.).

As for Claim 16, KR discloses a software application suite comprising:

- a pricing server component for calculating pricing based on pricing factors used in at least one pricing sequence;

- a pricing management application for creating at least one pricing model and for updating and editing the at least one model;

- a model validation component for testing the integrity of the at least one pricing model;

- a pricing list generator for generating line item pricing lists; and

- at least one application program interface for enabling third-party applications of varying platforms to communicate with the pricing server component,

characterized in that pricing requests received are handled in automated fashion for one or a combination of product-based pricing, product scope pricing, contract pricing, tiered pricing, and bundled pricing scenarios by matching rule constraints to request parameters for each pricing factor in a given pricing sequence used by the application to calculate pricing for a given request (see Figure and the detailed description thereof).

As for Claim 17, KR further discloses the software, wherein pricing requests are received from a business-to-business server having data-network-access to the

application suite, the requests generated in an automated fashion and routed to and queued in a machine hosting the server component of the application (see Id.).

As for Claim 18, KR further discloses the software, wherein the pricing requests are received from clients having data-network-access to an enterprise hosted Web server connected to the data network, the requests routed to and queued in a machine hosting the server component of the application (see Supra Figure).

As for Claim 19, KR further discloses the software, wherein the requests are received from a client operating from a wireless network-capable device through a wireless interface having access to the application, the requests routed to and queued in a machine hosting the server component of the application (see the detailed description).

As for Claim 20, KR further discloses the software, wherein the pricing requests are received from a third-party price configuration application (70, 80) running on a node having access to the application, the requests routed to and queued into a machine hosting the server component of the application.

As for Claim 22, KR further discloses the software, wherein there are multiple pricing models applicable to different pricing methods (see Supra detailed description).

7) Claims 1-5, 7-8, 10-18, 20, and 22-38, as far as Claims 1-5, 7-8, and 10-15 are definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Huerta et al. (US 2003/0200185)

As for Claim 1, Huerta et al. discloses a system comprising;

a server node connected to a data network for serving pricing information (see Fig. 1);

a pricing application running on the server node for calculating the pricing information served (see Figs. 2-3); and

a data repository accessible to the server node for storing at least one pricing data model and rules for manipulating the model (see Figs. 1-3);

characterized in that the server node receives requests for pricing, accesses rules created for pricing factors used in at least one pricing sequence to price an item or items of the request and uses the pricing application to calculate the correct pricing results including sub totals and total amounts for the request based on sorting and/or conflict resolution of the rules accessed for each factor (see Figs. 4-8; paragraphs [0010], [0015]-[0020]; [0032]-[0040]).

As for Claim 2: Huerta et al. further discloses the system, wherein the data network is the Internet network (see paragraph [0032]).

As for Claim 3: Huerta et al. further discloses the system, wherein the data network is a local area network connected to the Internet network (see Id.).

As for Claim 4: Huerta et al. further discloses the system, wherein pricing requests are received from a business-to-business server connected to the data network the requests generated in an automated fashion and routed to and queued in the pricing server for processing (see paragraphs [0010], [0015]-[0020]; [0032]-[0040]).

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As for Claim 5: Huerta et al. further discloses the system, wherein the pricing requests are received from clients accessing an enterprise hosted Web server connected to the data network, the requests routed to and queued in the pricing server for processing (see Id.).

As for Claim 7: Huerta et al. further discloses the system, wherein the pricing requests are received from a third-party price configuration application running on a node connected to the data network (see Supra paragraphs).

As for Claim 8: Huerta et al. further discloses the system, wherein the served pricing information is item pricing generated in the form of a pricing list (see paragraphs [0010], [0015]-[0020]; [0032]-[0040]).

As for Claim 10: Huerta et al. further discloses the system, wherein there are multiple pricing models applicable to different pricing methods (see Id.).

As for Claim 11: Huerta et al. further discloses the system, wherein the methods include product-based pricing, product scope pricing, contract pricing, tiered pricing, and bundled pricing (see Id.).

As for Claim 12: Huerta et al. further discloses the system, wherein there is one pricing model extensible to reflect multiple pricing methods (see paragraphs [0010], [0015]-[0020]; [0032]-[0040]).

As for Claim 13, Huerta et al. further discloses the system, wherein the methods include product-based pricing, product scope pricing, contract pricing, tiered pricing, and bundled pricing (see Id.).

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As for Claim 14: Huerta et al. further discloses the system, wherein the repository is part of a legacy system (see Id.).

As for Claim 15: Huerta et al. further discloses the system, wherein pricing rules are accessed and, sorted and resolved for conflict in sequence for each listed factor having rules in the order that each factor exists in the at least one pricing sequence starting with the first factor in the first sequence (see Figs. 4-8; and the descriptions thereof).

As for Claim 16, Huerta et al. discloses a software application suite comprising:  
a pricing server component for calculating pricing based on pricing factors used in at least one pricing sequence (see Fig. 1);

a pricing management application for creating at least one pricing model and for updating and editing the at least one model (see Figs. 2-3);

a model validation component for testing the integrity of the at least one pricing model (see Figs. 2-3 and paragraphs [0010], [0015]-[0020]; [0032]-[0040]);

a pricing list generator for generating line item pricing lists; and

at least one application program interface for enabling third-party applications of varying platforms to communicate with the pricing server component,

characterized in that pricing requests received are handled in automated fashion for one or a combination of product-based pricing, product scope pricing, contract pricing, tiered pricing, and bundled pricing scenarios by matching rule constraints to request parameters for each pricing factor in a given pricing sequence used by the

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application to calculate pricing for a given request (see Figs. 4-8 and Supra paragraphs).

As for Claim 17, Huerta et al. further discloses the software, wherein pricing requests are received from a business-to-business server having data-network-access to the application suite, the requests generated in an automated fashion and routed to and queued in a machine hosting the server component of the application (see paragraphs [0010], [0015]-[0020]; [0032]-[0040]).

As for Claim 18, Huerta et al. further discloses the software, wherein the pricing requests are received from clients having data-network-access to an enterprise hosted Web server connected to the data network, the requests routed to and queued in a machine hosting the server component of the application (see Id.).

As for Claim 19, Huerta et al. further discloses the software, wherein the requests are received from a client operating from a wireless network-capable device through a wireless interface having access to the application, the requests routed to and queued in a machine hosting the server component of the application (see Id.).

As for Claim 20, Huerta et al. further discloses the software, wherein the pricing requests are received from a third-party price configuration application running on a node having access to the application, the requests routed to and queued into a machine hosting the server component of the application (see paragraphs [0010], [0015]-[0020]; [0032]-[0040]).

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As for Claim 22, Huerta et al. further discloses the software, wherein there are multiple pricing models applicable to different pricing methods (see Figs. 2-8 and the descriptions thereof).

As for Claim 23, Huerta et al. further discloses the software, wherein the third-party applications use the at least one API for translating platform dependent markup languages to enable cross communication between a client platform and the platform hosting the software application (see Figs. 1-3 and claims).

As for Claim 24, Huerta et al. further discloses the software, wherein client platforms capable of cross-communication with the software application include CTI telephony platforms including Interactive Voice Response systems, platforms using Wireless Markup Language, Voice over Internet Protocol, Hypertext Markup Language, and Extensible Markup Language (see Id.).

As for Claim 25, Huerta et al. discloses a method comprising steps of:

- (a) receiving the pricing request for processing;
- (b) identifying an item pricing sequence comprising pricing factors used in calculating;
- (c) accessing the rules for the first listed factor in the sequence having associated rules;
- (d) sorting the rules based on constraint matching to parameters in the request;
- (e) eliminating those rules that do not match the request parameters;

(f) applying the value of the remaining rule that most closely matches the request parameters to the factor;

(g) repeating steps (c) through (f) for each factor in the sequence that has associated rules; and

(h) calculating the price of the item using the values assigned to the factors of the sequence (see Figs. 4-8; paragraphs [0077]-[0129]).

As for Claim 26, Huerta et al. further discloses the method, wherein in step (a) the request has more than one item listed for pricing and the method is repeated for each item in the request using the same pricing sequence (see Supra Figs. and paragraphs).

As for Claim 27, Huerta et al. further discloses the method, wherein in step (b) the pricing sequence is an item pricing sequence selected by default according to a pricing model (see Figs. 4-8; paragraphs [0077]-[0129]).

As for Claim 28, Huerta et al. further discloses the method, wherein in step (c) the rules are accessed from a data repository containing the pricing model data (see Id.).

As for Claim 29, Huerta et al. further discloses the method, wherein in step (c) the rules for the factor specify necessarily, the item being processed, a customer requesting the item pricing, and the sequence factor associated with the rule, and optionally, an item category associated with the item, an effective date of the rule, an expiry date of the rule, and the minimum and maximum quantity ranges of the item ordered (see Supra Figs. and paragraphs).

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As for Claim 30, Huerta et al. further discloses the method, wherein in step (d) the parameters in the request specify necessarily, a request date, a customer that initiated the request, the item being processed, and the sequence used to calculate the pricing, and optionally, a contract date, a sales channel, and attributes assigned to the customer, item, and channel (see Id.).

As for Claim 31, Huerta et al. further discloses the method, wherein an additional step is required between steps (e) and (f) for conflict resolution in case of more than one candidate rule remaining after step (e) (see Id.).

As for Claim 32, Huerta et al. discloses a method comprising steps of:

(a) after items have been individually priced using a pricing sequence, identifying an order pricing sequence comprising factors used in calculating totals;

(b) accessing rules for the first listed factor in the sequence having associated rules;

(c) sorting the rules based on constraint matching to parameters in the request;

(d) eliminating those rules that do not match the request parameters;

(e) applying the value of the remaining rule that most closely matches the factor;

(f) repeating steps (b) through (e) for each factor in the sequence that has associated rules; and

(g) calculating the order totals for the order using the values assigned to the factors of the sequence (see Figs. 4-8; paragraphs [0077]-[0129]).

As for Claim 33, Huerta et al. further discloses the method, wherein in step (a) the order pricing sequence is selected by default according to the pricing model (see Supra Figs. and paragraphs).

As for Claim 34, Huerta et al. further discloses the method, wherein in step (b) the rules are accessed from a data repository containing the pricing model data (see Figs. 2-3).

As for Claim 35, Huerta et al. further discloses the method, wherein in step (g) the order totals reflect one or a combination of a bundle discount, a group discount, and a volume discount (see Supra Figs. and paragraphs [0077]-[0129]).

As for Claim 36, Huerta et al. further discloses the method, wherein an additional step is required between steps (d) and (e) for conflict resolution in case of more than one candidate rule remaining after step (c) (see Id.).

As for Claim 37, Huerta et al. further discloses the method, wherein the conflict resolution step resolves rule conflicts according to a specified conflict resolution order specified in the factor being processed (see Id.).

As for Claim 38, Huerta et al. further discloses the method, wherein the conflict resolution step resolves rule conflicts according to a specified resolution order specified in the factor being processed (see Supra Figs. and paragraphs [0077]-[0129]).

### ***Claim Rejections - 35 USC § 103***

8) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9) Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huerta et al. in view of Reuhl et al. (US 5,873,069).

Huerta et al. discloses the invention as recited above, but does not expressly disclose the invention including the pricing information having indication of profit margin for each item and for the order.

Reuhl et al. teaches, for a system and method for automatic displaying prices, that the system and method includes the pricing information having indication of profit margin for each item and for the order (see col. 12, lines 27-52).

Since Huerta et al. and Reuhl et al. are both from the same field of endeavor, the purpose disclosed by Reuhl et al. would have been well recognized in the pertinent field of Huerta et al..

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Huerta et al. such that the pricing information further includes indication of profit margin for each item and for the order, as taught by Reuhl et al., for the purpose of providing a seller with a pricing strategy (logic) so that the seller's price is the lowest price on a product-by-product basis (the price is lower than competitors' price by factoring in the profit margin of the product).

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**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2004/0249643 is cited to show a web-based computer programming method to automatically fetch, compare, and update various product prices on the web servers.

US 2002/0184102 is cited to show a method and system for sellers to provide product information to consumers through shop-bots, while at the same time charging for the price information.

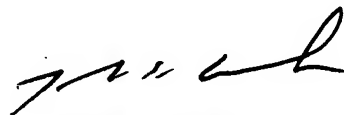
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 571-272-6813. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard Woo  
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June 20, 2005



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